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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,338	10/23/2001	Arun P. Gupta	SUNMP024	7269

25920 7590 09/02/2005

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EXAMINER
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TRAN, QUOC A

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/038,338

Applicant(s)

GUPTA, ARUN P.

Examiner

Quoc A. Tran

Art Unit

2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-12, 14-20

Claim(s) withdrawn from consideration: \_\_\_\_\_

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
8/31/2005

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed 08/22/2005 have been fully considered but they are not persuasive. In response to applicant's arguments on pages 6-8, for claims 1-12, Applicant argues the rejection under 35 USC 103, Obviousness (see Remarks, pages 6-8). To concisely address the elaborate arguments presented, the Examiner respectfully disagrees for the detailed reasons stated in the rejection of each claim limitation previously presented in Office Action mail date 05/18/2005 (please see rejections for detail). In further support of the previous Office Action, please note the following:

Additionally, the main thrust of the applicant's argument is Mason US006826716B2 - filed 09/26/2001, in view of Stone et al. US Pub No. 2002/0107889 A1 - filed 02/08/2001, are not properly combined. Using the broadest reasonable interpretation of the claims, the Mason reference teaches and/or suggests all limitations of claims 1, 11 and 16 but processing the XML enabled test results to create a test summary report, and the logically arranged XML test reports file including test suit tags so as to indicate test reports belonging to particular test suits of a test application, however (as taught by Stone at page 3, paragraph [0031] and at col. 1, line 65 through col. 2, line 5, also see Fig. 1 item 38, provides a report generator interfaces capable of performing data analytics while the data is in a markup language format such as XML, and publish the analytic results in a pre-defined format such as, the hypertext markup language (HTML) format, or the Microsoft Excel format, or the like to, Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein test reports file would have been an obvious variant of performing data analytics and report generator, to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified teaching of Mason, wherein the test program was perform on the web application producing the out put in Java code enabling the java xml for parsing the out put result into usable parts, to include a means for report generator interfaces in a markup language format such as XML and converter/parser in to predefine format such as html or a like, of Stone's teaching. One of the ordinary skills in the art would have been motivated to perform such a modification to establish a standard format for interchanging data via a communication network known as Electronic Data Interchange (EDI) to ensure data compatibility with legacy system (as taught by Stone at page 1, paragraph [0003])

Therefor the previous rejection is proper for at least the reason state above and in the previous rejection.

*William L. Bashore*  
WILLIAM BASHORE  
PRIMARY EXAMINER  
8/31/2005